IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5140 of 2005

Abusama Alim Mulla and Anr...Applicants

V/s

The State of Maharashtra .. Respondent

Naveen Chomal for Applicants

Shri K.V.Sasle,A.P.P. for Respondent

CORAM:A.S.OKA,J.

DATED:19th August 2005

P.C.:-

1. Heard Advocate appearing for the applicants and learned APP for State. Offence registered against the applicant and co-accused is under Section 399 and 402 of IPC.

2. The learned Advocate for the applicant relied upon the order dated 15th July 2005 passed by this Court in favour of a co-accused. The said order is made in Criminal Application No.2834 of 2005. He submitted that the applicants are entitled to the enlarged on bail for the reason of parity.

3. After examining the material against the Applicants and after examining the order dated 15th July 2005, the learned A.P.P. fairly stated that applicants will be entitled to claim parity.

4. In this view of the matter, the applicants are entitled to be enlarged bail on the same stringent conditions on which co-accused were enlarged.

i. The Applicants shall be enlarged on bail in connection with C.R.No.21 of 2005 of Taloja Police Station, subject to furnishing a personal bond of Rs.25,000/- each with two local sureties in the like amount.

ii. The order granting Bail will be given effect after the Applicants furnish their correct address and telephone numbers, if any, of their respective place of residence in Mumbai to the concerned Officer in the Jail and to the Investigating Officer. The order will be given effect only after the passports of the Applicants are surrendered to the Investigating Officer.

iii. The Bail is granted subject to condition that after the applicants are enlarged on bail, they will attend the local Police Station within whose jurisdiction they will be residing on every Sunday between 11-00 a.m. to 1-00 p.m.

iv. The Bail is granted subject to condition that the Applicants shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

v. The Applicants shall co-operate with the learned trial Judge for expeditious disposal of the trial. Any attempt by the Applicants to delay the trial may be a ground for cancellation of bail.

vi. Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii. Application is disposed of in the above terms.

viii. The parties to act upon an authenticated copy of this order.

(A.S.OKA,J.)